

APR 25 2013

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:05CR00019
	)	(CASE NO. 5:13CV80575)
	)	
v.	)	FINAL ORDER
	)	
	)	
MARK JAMES KONSAVICH,	)	
	)	By: Glen E. Conrad
	)	Chief United States District Judge
Defendant.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that defendant's motion styled as a "MOTION TO AMEND INITIAL PETITION PURSUANT TO RULE 15(C); MOTION PURSUANT TO 28 U.S.C. § 2255(f)(3); MOTION FOR SPECIFIC PERFORMANCE OF PLEA AGREEMENT" is **CONSTRUED** as a second or successive motion to vacate, set aside or correct the sentence, pursuant to 28 U.S.C. § 2255, is summarily **DISMISSED** as successive under § 2255(h), and this action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

**ENTER:** This 24th day of April, 2013.

*Glen E. Conrad*

Chief United States District Judge